

WYTH0146-101 (AM100831 P1)
No.: 10/722,782

Comments on Statement
of Reasons for Allowance

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: **John McKew**

Confirmation No.: **7235**

Serial No.: **10/722,782**

Group Art Unit: **1624**

Filed: **November 26, 2003**

Examiner: **HABTE, KAHSAY**

Title: **PROCESS FOR MAKING AN ALDEHYDE**

Via Express Mail Label No.

EV552972478US

Date Sent: **September 26, 2005**

Mail Stop Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants note with appreciation the allowance of all pending claims, original claims 1–14 in the above-referenced case. This Communication is being filed concurrently with payment of the issue fee.

Notices of Allowance

Applicants have received two (2) Notices of Allowance in this application. The first was mailed June 28, 2005 and the second was mailed August 31, 2005. Both indicate allowance of all pending claims, claims 1-14. PTO form PTOL-85 accompanied only the June 28, 2005 Notice, setting the deadline for paying the issue fee as September 28, 2005. Accordingly, Applicants are filing this Communication and the fee in satisfaction of that deadline.

The difference between the two Notices appears to be in the Reasons for Allowance section. In which each Notice discusses the Saldabols *et al.* reference. Applicants respectfully note that their claimed invention is not limited to the characterizations set forth in either Notice.

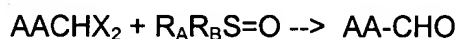
The June 28, 2005 Notice indicates “applicants claimed a process that employs dihalomethyl aryl as starting material.” (see page 2.) Applicants respectfully submit that dihalomethyl aryl can be used as the starting material in one embodiment of the claimed invention.

The August 31, 2005 Notice indicates on page 2 that "Applicants' process is shown by the following equation:



Applicants do not wish to be, nor should they be, limited to either of these interpretations, but rather are entitled to the full scope of their claims, including any equivalents.

Applicants respectfully assert that their claimed process is clearly set forth in independent claim 1, which includes the equation:



where AA is aryl, alkenyl, or alkynyl; X is F, Cl, Br, or I; and R_A and R_B are each alkyl or aryl selected from the group set forth in the claim.

The allowed claims speak for themselves, and should not be limited in any way by any comment in either of the Notices of Allowance. Applicants are entitled to the full scope of their claims, as allowed, including any equivalents.

Pending Claims

Applicants note with appreciation that both Notices of Allowance indicate "Claims 1-14 are pending in the application. . . . Claims 1-14 are allowable over the prior art of record." Applicants note that claims 1-14 are the original claims. No claim amendment was filed, and no Examiner's amendment has been entered.

On February 14, 2005 the Office mailed a Restriction Requirement indicating a 10 way restriction. Applicants traversed the Restriction on May 16, 2005. The next action from the Office was the June 28, 2005 Notice of Allowance which is silent with respect to the restriction requirement, indicating as above, only that claims 1-14 were pending and allowable. The subsequent August 31, 2005 Notice of Allowance likewise is silent with respect to Applicants election and traverse, again, except for the indication that claims 1-14 were pending and allowable. Applicants clarify, for the record, that absent any indication to the contrary, and in light of the indication that all originally filed claims are allowable (in both Notices), it appears that the Restriction Requirement has been withdrawn in light of Applicants traverse.

Applicants respectfully submit that nothing herein alters the Allowability of the claims and look forward to issuance of the patent in due course.

Respectfully submitted,



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Date: **September 26, 2005**

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